

AFFIDAVIT

State of Ohio)
) ss
County of Franklin)

Before me, the undersigned notary, personally appeared John David Freshwater, who having first been duly sworn, deposes and says:

1. Affiant has personal knowledge of all matters set forth in this affidavit;
2. Affiant was interviewed by two investigators hired by the Mount Vernon City School District. According to the contract between the Mount Vernon City School District and the Mount Vernon Education Association affiant understands that Article 4, *Teaching Conditions*, Section 402, *Investigation of Complaints*, states, *The person against whom the complaint is made will be given the opportunity to provide a comprehensive written response to the complaint if he/she chooses to do so.* Even though I have never been a member of any union or the Mount Vernon Education Association, for the first time in my life I now understand I am protected by the union contract.
3. I was asked so many questions by the investigators that I'm glad I can go back and provide more information. When I was asked questions by the investigators I answered the best I could. I recorded my conversation with the interviewers because my attorney told me many times words can get misinterpreted or written wrong. So I taped the interview with a recorder. I've listened to the tape many times after the interview – at least ten times. I do not like the sound of my voice and all the um's and ah's I use when I speak. Each time I listened to the interview recording I thought of more stuff I wanted to add. So I am glad I can write a statement to help explain stuff in case you investigators do not ask me certain questions when we meet again next week on Wednesday on May 28, 2008. Because it is just my nature or habit to answer questions by repeating the question, it is my understanding I am to write and speak as if I were writing a letter or giving a speech to the world to explain things. It is my understanding I am trying to speak and write so that people could not misunderstand what I am saying. I know when I speak I am thinking of a million things and sometimes what I say can be confusing so it is my understanding to think, write and speak with a goal of communicating as clearly as I can.
4. At the end of the interview with the investigators they asked is there anything else you would like to say? I told them I would never hurt a kid and I have never been insubordinate. Let me explain all of the meetings that went with the letters from Bill White.
5. I started keeping notes on February 29 because I could see this permission slip thing was getting confusing.

6. On April 7, 2008, Bill White gave me a letter that began with *"Per our discussions, I wish to follow up on several concerns that have come to my attention over the past several weeks related to (1) your role with the Fellowship of Christian Athletes student club and (2) religious materials in your classroom"*. Before April 7, 2008, the date of the letter, Mr. White and I had some discussions about FCA but never about any religious items in my classroom. Mr. White and I talked only about FCA and permission slips and speaker forms. The first time I ever heard about any "religious items" was on April 7, 2008. The meeting between Mr. White and me lasted about five minutes and definitely not longer than ten minutes. During the meeting Mr. White gave me the letter. The meeting happened so quick. When I left the meeting I felt concerned and coldcocked because all of a sudden we had talked about permission slips and speaker forms and some healing session that supposedly I did – but I did not – and now they wanted me to remove my Bible and some other things from my room. I didn't care that much about the bookcovers by the door. But Mr. White definitely told me my personal Bible had to be out of the room. I took notes on it right after the meeting when I got back to my classroom.
7. The "religious materials" Mr. White talked about were the 10 Commandments by my classroom door and the motivational statements on the cabinets in my room. Mr. White called stuff by my classroom door a "collage". I don't know if it was a collage. The stuff by my door were just bookcovers that had the 10 Commandments on one side and "Good Thinking" on the other side. Under the "Good Thinking" were the following quotes. "If you can dream it you can do it" by Walt Disney. "We can do anything we want to if we stick to it long enough" by Hellen Keller. "Believe you can and you're halfway there" by President Roosevelt. "Winners never quit and quitters never win" by Coach Vince Lombardi. "It's not how much we give but how much love we put into giving" by Mother Teresa. "A problem is a chance for you to do your best" by Duke Ellington. "He who has courage and faith will never perish in misery" by Anne Frank.
8. I put the bookcovers up in the glass window by my door because after the terrorists attacks of 911 us teachers were told by administration to cover the glass so no one could see into the class. I was down in the office (Mount Vernon Middle School office) one day and there were these bookcovers. A big stack of them. I don't know for sure who put the bookcovers there in the office. Maybe it was Sally Jenkins or Mr. Kuntz. I don't know. They were there and I took three or four of them and used them to cover the glass by the door. They fit perfectly! I never put any thought into the bookcovers would offend anybody. I actually liked the "good thinking" statements most because kids relate more to those modern day people more than the 10 Commandments. After all of this investigation started I learned that the bookcovers were used by the Chicago City public schools and were passed out there beginning in school year 2000. The bookcovers were part of a project called Operation Book Cover Project. I learned that there has been over one million of these bookcovers passed out to schools and like I said to the students of many schools. I had the bookcovers up in my window for about 7 or 8 years and never, not once did anybody tell me to take them down until Mr. White did. So I took them down.

9. You know I was not at the meeting on April 7, 2008, to dispute or question Mr. White. I was just there to listen. When I left the meeting I had a class to teach. But later I read that letter 5, 6, 7 times. I remember showing the letter to Kerri Mahan and asking her to tell me her understanding. As I read the letter, the letter said "bible". Mr. White verbally told me during the meeting that I had to take and remove my personal Bible out of the classroom. What Mr. White said in the letter and what he said in the meeting were two different things. I did not read the whole letter during the meeting with Mr. White. I looked at the letter and Mr. White spoke. I didn't ask any questions cause I wasn't really thinking to ask any. After I thought about what Mr. White said and read the letter again and again, I was unclear and confused. I know he said my green Bible had to be out of the classroom. Between April 7 and April 11 I stopped down to find Mr. White many times. Mr. White was always difficult to catch because it seemed people did not know where he was in the building. I remember laughing once because Katie Beach mentioned she was trying to find Mr. White and we laughed he was like where's Waldo because we could not find him.

10. During that time between April 7 and April 11 I read his letter and remembered what Mr. White said. I was confused. I had gone to a continuing ed class for teachers paid for by the school. The class was at the Naz. There was a book given out in the class called "Finding Common Ground". We used the book in class. The class was taught by Coach Dave Daubenmire. Coach is the same person not allowed to speak at the FCA in September 2007. I remember talking in the class about teacher's work areas and what they could have in their work areas. I went and found the book and read it again after April 7. I read the stuff in chapter 6. It was clear to me that my personal Bible could sit silently on my desk. Right in the book it says – "Teachers bring their faith with them through the schoolhouse door each day. Because of the first amendment teachers who wish to pray or engage in other religious activities – unless they are silent – should do so outside the presence of students." My green Bible is personal and inspirational. That Bible just sits there on my desk. I know its there but unless others are looking for it they do not know its there. My green Bible is inspirational to me. That green Bible is not a display and does not say God or Christ on the outside on its cover. Some teachers keep a picture of their family or something on their desk. I keep my green Bible. My green Bible is so important to me because it was a wedding gift. My dog chewed on it when I was in Ashton, Idaho. My green Bible is the first Christian Bible I ever read from cover to cover. I have other Bibles for devotionals and taking to church and keeping in the car. My green Bible is so important to me because it is the first book I went to after my friend was killed while smoke jumping. I took that Bible with me to China. My green Bible is my workplace Bible. It inspires me to remember to always be the best I can be when I am at work. I know other teachers right now that have a Bible on their desks – Lori Miller, Andrew Thompson, Wes Ellifritz, Brian Gustin – Deb Strouse had one – I don't know if she still does. Why do they keep their Bibles and I can't? Maybe this is because of the board proposal I made in Spring 2003.

11. You asked me if I read my green Bible in front of students or when students are in the room – NO! – I do not and have not read to the students, in front of them or when they are even around me at school. I do my daily devotions at home before I even get to

school. That green Bible is my inspiration not my devotional. Why would I read the Bible to students? A school classroom is not the right environment to get kids to understand Jesus Christ. Kids in a classroom are trying to impress their friends or wouldn't talk seriously about a serious subject. I do believe in the Christian Bible. And part of that Bible at 1st Peter 3:15-16 says you can tell others about Jesus but you must do so with gentleness and respect. A public school class of 8th graders is not the environment to tell others gently and respectfully about Christ. Besides, somebody with more Bible training can teach that class better than I could.

12. On April 11, 2008, I was making copies and saw Mr. White. Mr. White came in the copy room and we talked there in the copy room. I told him I was confused about his letter. I explained to him there were FCA Bibles in the room but his letter only said "bible" meaning one Bible. I told him he told me to take my personal Bible out of my classroom but did he really mean the group of Bibles that the FCA kept in a brown box in my classroom. Now we talked for five to ten minutes. It was before lunch. Mr. White's eyes got wide when I told him this and it looked to me like he was surprised and didn't know there were so many FCA Bibles in my class. I told him the FCA Bibles had been there since after the Buckeye players spoke at FCA. He told me he meant the FCA Bibles had to be moved out of my classroom but not my own Bible. I asked him if I could keep it on my desk. He said yes. Mr. White asked me when I would have the other stuff down. I said when do you want it down. Mr. White said next week. I said ok how about by Wednesday and he said ok. I left that meeting feeling great because I was afraid he meant my personal Bible had to leave the classroom. I told my daughter that night on the way home she had to get those FCA Bibles out of my class on Monday either before or after the leadership meeting.
13. On Monday, April 14, 2008, during my free period Mr. White asked me to come to his office. It was just me and him. I got down there and he had another letter for me but this one he wanted me to sign. I signed it. We met maybe for 2, 3, or 4 minutes – no longer. I told him it would all be down by Wednesday. I asked him what needed to be down – just to make sure – he said the 10 Commandments and the motivational statements. I took the bookcovers out of my window right when I got back to my room. I started on the motivational statements and then the bell rung. I got the rest of the statements down later that day. Jordan got the FCA Bibles out during or after lunch that day. She put them in my car and was going to take them to church.
14. When Mr. White came to my room on Wednesday it was before I had any students in class. He popped in and said like just checking. He looked around and said everything looks fine. Now he only came in my room about two steps. So I was sitting grading papers and said you notice my Bible still there on my desk. And he said yes. I said still good right. He said I'll have to get back with you. I was floored because just the Friday before he said the FCA Bibles had to be gone from my room but my green Bible could stay on my desk. White was there about 1 minute. I could tell he looked at the cabinets to see if the motivational statements were down. He could easily tell the bookcovers were down. He didn't ask where the FCA Bibles went. I don't think he even looked back there where they were. Because the way things are on my desk and lab table he

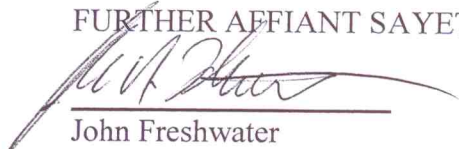
couldn't even see my green Bible unless I told him it was there. He couldn't see it even after I pointed it out because of the way things were piled on my desk. After he said he would get back with me he left. I didn't have time to ask a question. I thought about calling Coach Daubenmire the week before because he was the professor that taught the class about Religion in the classroom. I already looked at the book he used in class and read the chapter about teachers and their personal beliefs. But I just felt like I needed to hear his take on this. I was floored. I couldn't figure out what was going on. The first letter the second letter and the meetings didn't make sense. Why would Mr. White have to get back with me? If he already told me my personal Bible had to go out of the classroom why would he have to get back with me? If he told me my personal Bible could stay but the FCA Bibles had to go then why would he need to get back with me? I wanted to ask somebody who knew what was going on in this area so I found Coach's number on one of the Speaker Request forms that FCA had to turn in and I called him. I remember I knew the bell was going to ring soon so I had about five to ten minutes to talk. I asked Coach if remembered me in his class and he said yeah. I told him about the letters I received and read them to him. I told him I took down the collage-bookcovers and the statements on the cabinets and the FCA took their Bibles out of my room. I asked Coach if he knew if I had to take my personal Bible out of my classroom. He told me his understanding was I had a first amendment right to keep my personal Bible on my desk. Coach did all the talking from there. He said he wanted to do a press release and call the media. I told him I didn't want to get into a mess. I know Coach is the kind of person who can generate some publicity. He asked if I could meet him later. I told him my daughter had a game that I was going to. He said meet me at the hardware store after school. I said ok. Later, about two or three periods later Mr. White popped back in my room and said he talked to Mr. Short and he said I needed to remove my Bible from my room. Kids were getting settled for class and there was no time to talk. Mr. White was there and gone in less than a minute. I had never been shook like that in my life. Truly, I looked at my Bible and told myself I needed to teach this class. He couldn't even have seen my Bible there. I felt like I shouldn't have mentioned it. I absolutely didn't expect this from Bill White. I had classroom duties. I thought I would try to meet Mr. Short later to find out what was going on. It was weird. I was really upset. As I was leaving to get to my daughter's game I stopped by the office to find Mr. White and walked through. He wasn't there. I always walk through the office at the end of the day to check my mail and say goodnight to the secretaries. Just like most other days Mr. White was not there.

15. I called my wife after work and told her to swing by the hardware store because Dave Daubenmire wanted to meet me. I told her some stuff happened today and I needed to talk to him. I met Coach at the hardware store in the parking lot. We talked and he showed me a bunch of stuff. He probably had about 50 papers on this clipboard. I tried to read all of the stuff he was showing me and I remember one paper said Statement of John Freshwater. I remember thinking I didn't write this I did not agree or even know what some of this stuff was talking about. After about five minutes there at the parking lot Coach said he needed to get up to the square. He asked if we could walk with him. We did and listened as he talked. We passed the bank and saw the square. I remember thinking – whoa – what was this. I knew immediately I tried to reign Coach back in. I did not want him getting a mess stirred up. We kept walking up to the square. I knew

some people but most I had never seen before. I told Nancy I was going to have to calm this down. I told Coach I would speak myself. He gave me a clipboard and I tried to pick a few things but did not want to read all that he wrote. I spoke and we got out of there.

16. After the thing done by Coach I never heard a single word from Mr. White or anybody else until April 22nd when they told me Deb Strouse would be monitoring my class for the rest of the year. During that meeting Mr. White and Deb were there. Mr. White told me Zach Dennis' parents are who had made the complaints. I took notes during the meeting and asked for a copy of what Mr. White had read from. Mr. White's notes say he gave them to me on April 21, 2008. That's not true. The meeting was on April 22 and Deb Strouse started in my class on Wednesday which was April 23. I don't want to be disrespectful but Mr. White writing April 21 instead of April 22 is another example of what he does – he gets things wrong or makes them confusing. I liked it when he finally just gave us a memo on April 2 about the permission slips so we could be clear about what he wanted. Another example of Mr. White getting things wrong is where he states in his bullet point notes that "You have acknowledged some of these charges are true". What is he talking about? I didn't do any of these things – I didn't heal anybody or do an exorcism – I don't pray in FCA meetings with the students – the leadership kids call the speakers to ask them to come.
17. You know in all those bullet points not once does it say I have to take my personal Bible out of my classroom. That day I met with Mr. White and Deb Strouse I saw a press release sent out by the board. Mr. Short stated something like this is not about his personal Bible on his desk. I had read about Mr. Watson's statements in the Mansfield paper about me not being insubordinate but that I might be insubordinate in the future. I had to ask somebody what that was about – Kerri Mayhan I asked her how is this insubordination if the letters say one thing and in his meetings Mr. White said another. I am appalled someone would think I was ever insubordinate. If someone was in those meetings on April 7 and April 11 and April 14 between me and Mr. White they would understand the different messages Mr. White gave me. The reality is the board paid for me to attend a class that provided a book that said my personal Bible is acceptable if it is silent. I think Mr. Watson the board president knows about the book because he referenced the "Common Ground" book in a news article.

FURTHER AFFIANT SAYETH NAUGHT.


John Freshwater

The foregoing affidavit was sworn to and acknowledged before me this May 25, 2008, by John Freshwater, who is personally known by me or who provided satisfactory identification and who did swear to the truthfulness of the above.


Notary Public



R. KELLY HAMILTON, ATTORNEY AT LAW
Notary Public
in and for the State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.